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Community Views

Summary Report of
Public Consultation
on a New Liquor Act

November 2001

Yukon
Liquor Corporation

103-03880/

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Minister's Message

This report is a summary of the ideas, concerns and recommendations we heard during the public consultation process for the Liquor Act and Regulations Review.

We received 2003 completed questionnaires; held 50 meetings with the general public, licensees, First Nations, and a wide range of other interested stakeholders representing industry, enforcement, health and social groups. Many written submissions were also made to us. Most of the information was gathered between October 2000 and March 2001.

I am very pleased so many of you took the time to participate in the public consultation process and shared your views with us. Your comments will help us as we move forward towards developing new legislation by April 1, 2003.

In addition to the many valuable comments and suggestions you made about new legislation, throughout the public consultation process many of you also spoke eloquently and strongly about:

- The adverse effects of alcohol on children and youth and the availability of alcohol to these groups;
- The costs of Fetal Alcohol Syndrome/Fetal Alcohol Effects (FAS/FAE) to our communities and the need for strategies to help reduce the incidence of FAS/FAE; and
- The need for greater personal, parental and community responsibility around alcohol use.

I have shared your concerns with my colleagues and will be working with them to seek ways to respond to them.

We have tried in this report to reflect the essence and character of all of the ideas, concerns and suggestions we received. This report makes no attempt to support, weigh, or balance this input, rather is our best effort to reflect back to you what you told us.

If you have other ideas or comments you would like to add, I would appreciate hearing from you.

Sue Edelman

Honourable Sue Edelman
Minister Responsible for the Yukon Liquor Corporation

What we heard about the Liquor Act and Regulations Review Process...

"Thank you for giving me my say."
~ Watson Lake

- Most people appreciated having an opportunity to contribute to the public consultation process. People in rural Yukon communities were happy that an independent review committee came to their communities to hear their views.
- The average return rate for the questionnaires was 13 per cent. In communities with liquor stores, the response rate was 12 per cent and in communities without a liquor store it was 10 per cent. In Whitehorse it was 14 per cent.

"Review the liquor laws every five years."

- People felt it would be appropriate for the government to conduct regular reviews of liquor legislation.

People told us a new Liquor Act must...

"Clarify the Act and make more understandable."

- Be written in plain, unambiguous language and in a logical order, so people are better able to understand it.

People offered some general observations about alcohol and how they see it affecting the Yukon as a whole...

"Drinking should be normalized – neither romanticized nor demonized."

- Yukoners feel they are responsible drinkers. There is a recognition and concern for the small proportion of the population that does not use alcohol responsibly.
- People feel strongly that government, private business and agencies need to work together in a more coordinated and cooperative way, to improve effectiveness in enforcement, fine collection, education, and prevention and treatment programs.

"I believe that alcoholism in the Yukon is a big problem but it isn't something that the Liquor Act is going to fix."

- In the communities, the negative aspects of alcohol availability and use are seen to outweigh any economic benefits for the community.
- In Whitehorse, restricting access to alcohol was not seen as a way to help eliminate alcohol abuse related problems.

People offered some very specific ways they feel things could be improved...

"Before being issued such a licence, people would be required to pass a course on alcohol awareness."

- Some people suggested that licences, similar to a driver's licence, be issued to individuals to permit them to buy alcohol.
- More people would consider taking a cab home from a bar if they were able to pick up their vehicles the next day without being ticketed.

What we heard about Improving Customer Service...

1. Hours of Sale

- A majority of people felt the hours of sale for in-house service (restaurant, lounges, and bars) is okay, however offsale hours are too long.
- Opening offsales at 7:00 a.m. is a great concern to Yukon citizens, who felt it is too early. People were also concerned about late night offsales. They believe these sales contribute to the late night problems that occur after the bars close.
- Some people suggested offsales hours should be similar to those in the Northwest Territories (currently set at 10 a.m. – 10 p.m.). Others suggested closing offsales at the same time or earlier than bars close.

"Way, way too long."
~Carcross

"Allowing offsales at late hours gives greater opportunities to the spontaneous over drinking parties/access to minors."

"Too early. Should be the same as bars."

2. Responsible Service

- The clear majority view was that people have to assume personal responsibility for their actions. For example, it is the drinker's responsibility to obtain a safe ride home.
- Many people expressed concern about overservice, as well as how to determine, from a server/bartender's point of view, whether someone is at their limit or beyond when they enter a premises.
- Servers said they did not want to be held responsible for 'over-service'. Servers said they are required to operate under the bar owner's in-house policies.
- Multiple drink ordering at last call is a concern. If people are allowed to "load up at last call", this may put them over the edge to impairment.
- There appears to be a shortage of inspectors to monitor responsible service practices by bar owners and licensees. More enforcement is needed. Many people felt that although the laws are there, they are not being enforced well.
- Many people remarked that responsible server training should be mandatory and readily available in all communities.

"Include a self-responsibility clause in the Act."
~Ross River

"Write into the Act that it is the responsibility of the consumer to exert self-control."
~Dawson City

"I feel over serving is a major problem in the Yukon. I believe the bar and the individual serving drinks should be held more accountable."
~Whitehorse

3. Product Pricing

- Sixty-eight per cent of questionnaire respondents feel the Yukon Liquor Corporation should continue to control the offsales markup rate. Many of these people however, feel that 30 per cent markup is too high.
- Twenty-four per cent feel government should not control the markup rate. They frequently commented that free enterprise would be better served if business owners were permitted to set their own pricing structure.
- Licensees should be able to use credit cards for their purchases. The general public is able to do so, but licensees are not.

"Let the market decide."

"Market demand should control prices."

3. Product Pricing continued...

"Don't force us to sell a six pack to someone if they want only two individual servings."

- Licensees would like to be able to purchase their alcohol products from the government at a "wholesale" rate. Some licensees want discounts for volume purchases.
- Some licensees would like to be able to sell offsales products in less than full units, in quantities that consumers want.

4. Product Variety

"For our population, that's lots."

- Sixty-six per cent of questionnaire respondents indicated they are satisfied with the product variety now available in the Yukon.
- Some people suggested the Yukon Liquor Corporation should discontinue carrying inexpensive, high-alcohol content wines.

"Cheap wine should be banned."
~Beaver Creek

- Others, however, noted that limiting the availability of inexpensive alcohol products could precipitate the use of other substances, such as solvents.

5. Liquor Store Locations

"Location for the liquor store in Whitehorse is a problem, panhandlers."

- Some people commented that the Whitehorse liquor store location is contributing to feelings of discomfort for patrons and visitors who use the mall and other services close to the store because of panhandling and loitering.

"I just don't like the location."

- People in several communities expressed concerns about the liquor store's location in a municipal building, sharing a common entrance to other government services.

"Causes many people to cause problems around bus stops and downtown."

- Some people suggested placing the liquor store locations in more remote areas, rather than in residential areas.

6. Number of Establishments

- Most people did not comment specifically about whether or not the number of licenced premises should be restricted in any particular area or community. The majority of questionnaire respondents who did comment said to let the free market prevail.

7. Advertising and Promotion

- Increase the opportunity for 'tastings' in rural communities.

"Need graphic illustrations of state of people's health... depict decline in health of heavy drinkers."

- Allow more flexibility for suppliers to advertise and promote brand name products within licenced premises.
- There was support for including graphic warnings on alcohol bottles, similar to cigarette packages.
- It was suggested that all media advertising connecting drinking with sporting activities and good times should be banned.

8. Recycling

- Some people raised concerns about littering. Government programs should continue to encourage and promote recycling.

What we heard about Effective Licensing and Enforcement...

1. Yukon Liquor Corporation Board of Directors

"Roles and responsibilities (of the Board and Corporation) should be better defined."

"Replace Liquor Board with an independent Board to hear appeals."

- The interests of Yukoners will be better served if at least one member of the Yukon Liquor Corporation Board of Directors has significant industry background and experience.
- The Board's jurisdiction, role and mandate should be clearly defined in the new Liquor Act.
- There is a need to separate the authorities for the licence application approval and appeal processes.

2. Licence Types and Retail Alternatives

"Why rooms to have a pub? ABSURD!"

"Neighbourhood pubs need to be controlled however for size etc. however some food and limited hours and location standards must be set."

"The Liquor Corp. has little purpose in today's society. This organization should change to a regulatory and administrative 'service bureau'..."

"Absolutely not as this is for personal home consumption."

"Restaurants are trying to make money, why rob them?"

"The Yukon is the only jurisdiction which does not allow for wineries".

- People feel that the licensing system is too complex, with too many categories of licences. They would like to see a simpler and more flexible licensing system.
- Sixty-seven per cent of questionnaire respondents and many people who spoke at public meetings feel that a mandatory room requirement should not be necessary to establish a licenced facility.
- The hospitality industry now operating under this requirement has specifically requested that this requirement be retained.
- People generally support the concept of neighbourhood pubs, if they also include provisions such as optional food service, sufficient parking, limited seating and no offsales.
- Many people indicated that they would like to be able to purchase beer and wine at grocery stores, specialty stores and RV parks.
- Some people said that government would be freer to regulate without having a vested interest, if it privatized the sale of liquor.
- Fifty-two per cent of questionnaire respondents said that "U-brew" operations should not be licensed under the Liquor Act.
- There should be an option for pro-rated, seasonal licensing.
- People were asked whether they supported the idea of taking their preferred brand of wine to a restaurant to drink with their meal. Fifty-two per cent of questionnaire respondents said no because they felt it would negatively impact restaurant owners.
- On the other hand, this idea appealed to many restaurateurs who felt they could still enjoy revenues from corkage and service charges, while reducing the expense of maintaining a specialty wine inventory.
- There should be an option for local commercial production of wines and spirits.

3. Conditions of Licences

"First Nation governments and towns should have a say on new licences, renewals etc."

- There should be more municipal and First Nation involvement in local licensing decisions.
- People would like a better and more informative way to hear about new licence applications.

"Would like to be able to take or meet a friend at the golf clubhouse or bowling alley if the friend is not a member and I am."

- A significant number of people felt that food of some sort should be available wherever liquor is served.
- "Golfers" feel that non-members of clubs should be able to buy a drink while waiting for someone to finish their round or be allowed to sit down with a group and have a drink, after they have finished their round.

"I would like to see breathalyzers in bars so people could test themselves before they leave."

- When food service for a bar and a restaurant comes from the same kitchen, servers should be able to bring food to those in the bar, even if the server is underage.
- Some 'cocktail lounges' have authority to provide alcohol-free food service during specified hours. Some people feel this is confusing.
- Alcohol meters/breathalyzers should be available in all bars.

4. Special Events

"Unfair to forbid children at public events such as a wedding or a reception when there is alcohol present."

- Fifty-six per cent of questionnaire respondents supported requiring a restricted area for drinking when children attend public events.
- Participants at the Dawson public meeting felt strongly that minors should be able to be at public events where alcohol is served.
- People who make U-brew products feel they should be able to bring their own wine or beer to family-related or personal functions in rented halls.
- Most people agreed that there should be a designated person responsible for alcohol at permit events and they should have taken the Yukon Liquor Corporation's Be A Responsible Server (B.A.R.S.) training course.
- Some smaller non-profit organizations feel permit fees should be waived for their permit events.

5. Fines and Penalties

"Way too low – fines should be much higher to have a positive impact." -Teslin

- Fifty-eight percent of questionnaire respondents supported increasing fines.
- Fines should be at levels similar to those given to drug dealers, people who drive impaired, or those who sell tobacco to minors.

"Current fines are not much of a deterrent." -Haines Junction

- There were very strong recommendations that fines should be significant for bootleggers and for those who sell liquor to minors.

"(The fines should be) equal to drug laws..."

- People said there should be more severe penalties for minors for offences such as fake identification and underage consumption of alcohol.

- People expressed concern about non-collection of court-imposed fines. People said they were aware that some offenders have several thousand dollars in unpaid fines but the process for collecting these fines does not seem to work well.
- Seventy-nine per cent of questionnaire respondents feel they have the right to know when and why a liquor licence has been suspended. They would like to see notice of closure published in the newspaper.

"...and the bar should assume all necessary costs of informing the public."

6. Inspections

- There should be better coordination between liquor inspectors and other related licensing agencies about regulations for physical conditions of premises.
- People supported more frequent ad-hoc inspections. Licensees often appear to know that inspectors are coming well in advance.
- Give inspectors and the RCMP authority to issue on-the-spot 24-hour suspensions.
- Improve communication between inspectors and RCMP.
- Increase enforcement at offsales outlets. Closely monitor volume sales to individuals and sales to minors from these outlets.
- Change the liquor identification card system to prevent easy replication and/or fraudulent use.
- People supported more comprehensive training for inspectors.
- A few people suggested that liquor inspectors should have previous experience as a server in a bar.

"Bar owners are informed before liquor inspector signs into the hotel rooms..."
-Dawson City

"Give more powers for inspectors/police to immediately suspend licences (ie. 24 hours)".-Dawson City

"Instant shutdown for over serving drunks."
-Whitehorse

"All liquor inspectors should have experience as a server (in a bar- mandatory."
-Whitehorse)

7. Non-Compliance

- Volume purchases and bootlegging are problems which were identified at the meetings in Pelly Crossing, Mayo and Ross River. There is concern about the high volume of alcohol which is being purchased from the liquor store or off-sale premises and taken back to these communities.
- Carmacks was concerned about adults who are buying alcohol for minors.
- Participants from all these communities wanted more severe penalties for bootleggers and those who buy alcohol for youth.
- People regularly make bulk purchases at the liquor store when it is known they do not have a liquor licence. Some people felt these people may be supporting bootlegging and a restriction should be put in place on individual bulk purchases.
- People felt bar owners should be made more responsible for drug-related activities in their premises.

"A permit(should be) required for purchasing more than a certain number of bottles of alcohol."
-Pelly Crossing

"...increasing the penalties for bootlegging & service to minors,..."
-Dawson City

"Charge bar owner if people are doing drugs in their establishment."

8. Barring

"I believe any person barred for any reason from a licenced premise be recorded with the liquor Board and RCMP." ~Dawson City

"All barring (should be) consistent for each offence– a specific time."

- Standardize barring penalties/time frames for all licenced establishments. The current process appears to be inconsistent.
- Ensure barrings are recorded with the RCMP and Yukon Liquor Corporation.
- Barring practices in Dawson City seem to be quite different than in other communities.
- Some people suggested that barring decisions should be left up to the individual bar/licencee.
- Barring lists should be shared with other proprietors in the town.

9. Entertainment Guidelines

"But only if stringent conditions are met. And only for special occasions." ~Tagish

"Under supervised conditions; kept away from drinking patrons." ~Dawson City

- Sixty-five per cent of questionnaire respondents said underage entertainers should not be allowed in bars.
- Those who support minors being allowed in licenced premises said only on a strictly controlled basis (i.e. parental supervision at all times; underage entertainers would leave after their shows).

What we heard about Alcohol and the Community…

1. Education and Awareness

"We can't ignore the ever prevailing need for education on the use and abuse of alcohol." ~Haines Junction

"Education should begin in the home and parents lead by example."

"We need role models for appropriate use of liquor from the top down."

- Eighty per cent of questionnaire respondents said education is a key component to helping people understand the harmful effects of alcohol misuse.
- Many people feel the focus should be on educating children. They want children to have opportunities to learn about alcohol and its affects so they are able to make healthy lifestyle choices.
- People feel it is important to incorporate education into the school curriculum at elementary levels, with education strategies tailored to specific community needs.
- People commented about how critical it is for youth to have exposure at home, in the school and in the community to positive role models for responsible drinking and/or healthy lifestyle alternatives.

2. Prevention and Treatment

"Would like to see some of the liquor profits turned into social programs for people who abuse alcohol."

- People suggested that a portion of Yukon Liquor Corporation liquor revenues should go directly towards education, treatment and aftercare.
- Yukon communities generally feel that there is lack of support in dealing with the substance abuse issues in their communities.

- However, people did not expect government to be fully responsible. The need for community support and involvement was acknowledged.
- People would like to see the government, non-profit and private groups working cooperatively together to develop and deliver programs. Interagency programs in the community are a good way to share information among community members.
- People would like to see more support for people who return to their communities after going through treatment programs.
- Wherever possible treatment programs should be available locally.
- Substance free events should be promoted and supported in all communities.

"Government can choose to hold people's hands but if I choose to drink then I must be the one accountable and responsible for my actions..."

3. Minors

- Sixty-six per cent of questionnaire respondents said that the legal drinking age should remain at 19. Seventy-four per cent said that minors should not be allowed in bars.
- Many people felt that regardless of the age limit, people who want to drink will find a way.
- People who supported reducing the drinking age gave reasons such as voting, going to war, and standardizing the age of majority with other legislation where people are considered to be 'adults'.
- Those who supported raising the drinking age talked about maturity level.
- Many people said that the law regarding accompanied minors in licenced premises should be fashioned after more liberal European models.
- Many people felt "Safe Grad" should not be condoned or actively supported, but rather "Substance Free" graduation activities should be encouraged and supported.
- Minors hospitalized or given medical treatment for alcohol-related conditions or injuries should be required to attend a seminar on the effects of alcohol abuse.

"No matter what the age if the teenagers want to drink they will get it." ~Faro

"You can vote at 18 why not be able to buy alcohol." ~Tagish

"21 years old seems to be a little more mature." ~Dawson City

"Alternatives (to Safe Grad) should be found."

4. Public Drinking and Intoxication

- There appears to be a general lack of enforcement of public drinking bans in communities. People were unclear about who has the jurisdiction and authority for public drinking area enforcement.
- People felt there appeared to be little enforcement of laws for loitering and panhandling.
- Hoteliers said drinking on waterfronts adversely affects tourism.

"Public drinking should be illegal everywhere, not just municipalities that deem it so."~Faro

"Something needs to be done about the individuals under the influence of alcohol loitering around all the service stores of our community."

"I think it should be illegal to sell alcohol to any one in a licenced establishment that is visibly pregnant!" ~Beaver Creek

"A portion of tax revenue collected from the sale of alcohol should be used to fund research and educational programs dealing with Fetal Alcohol Syndrome/ Effects."

5. Fetal Alcohol Syndrome/Fetal Alcohol Effects

- People were very concerned about FAS/FAE as a significant problem. It was recognized that this is a complex issue, as pregnant women who drink are facing many issues in their life and need support.
- Many people commented that preventative education, intergovernmental cooperation and appropriate legislation are all needed.
- Communities have a responsibiiity to help pregnant women abstain from drinking and support them in adopting and maintaining a healthy lifestyle.
- People suggested making FAS/FAE a component of the B.A.R.S. program.
- Some people suggested that a portion of YLC revenue should go towards FAS/FAE education and prevention.
- Another suggestion was that there should be posters in bars about FAS/FAE.

"There needs to be a better Drinking & Driving campaign..."

"I wish that health authorities had more say on the air quality in all establishments that allow smoking."

6. Other Health Issues

- Some people felt Yukoners are not very aware of drinking and driving penalties.
- The new Liquor Act should speak to smoking in licenced premises and support initiatives to improve air quality.

Next Steps

If you would like to share any additional comments or observations about "Community Views" here's how to get in touch with us:

Write to us: **Liquor Act and Regulations Review Secretariat**
9031 Quartz Road,
Whitehorse, Yukon Y1A 4P9

Fax us: **(867)393-6306**; or

E-mail us: ***liquoract.review@gov.yk.ca***

We will be using the feedback reflected in "Community Views", as well as any additional comments you provide to develop proposed changes for a new Liquor Act and Regulations.

Yukoners will be given the opportunity to comment on these proposed changes.

The draft legislation will be introduced and debated in the Legislative Assembly in the Fall 2002. It is intended that the new law will become effective by April 1, 2003.

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